THE HONOURABLE MR JUSTICE K.C.BHANU

WRIT PETITION No.20369 of 2005

Dated: 16.09.2005

Between:

Mr.K.Radhakrishnaswamy and another

…PETITIONERS

And:

Circle Inspector of Police,

P.S.Toopran, Medak District and 2 others

…RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the F.I.R. bearing No.187 of 2005, dated 27.08.2005 of P.S.Toopran, Medak District, registered on the complaint given by the 3rd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

The learned counsel for the petitioners contended that the vehicle of the petitioners is not involved in any offence of illegal quarrying operations of sand and as a matter of fact, their vehicle is in the garage, and the respondents are insisting them to surrender their vehicle. He further contended that basing on false complaint made by the 3rd respondent, without seizing the vehicle of the petitioners, the respondents registered the crime showing that the vehicle of the petitioners was seized, and hence he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Home contended that the petitioners are illegally quarrying the sand through their vehicle and hence a crime was registered and their vehicle was already seized, and the petitioners have no

right to question the investigation being conducted by the respondents.

There cannot be any dispute that the police are having statutory powers to investigate into a case, if the allegations of the complaint made out prime facie case. Normally this Court will not interfere with the matters under investigation by police. The remedy of the petitioners is otherwise. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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K.C.BHANU,J

Dated: 16.09.2005

Dsr